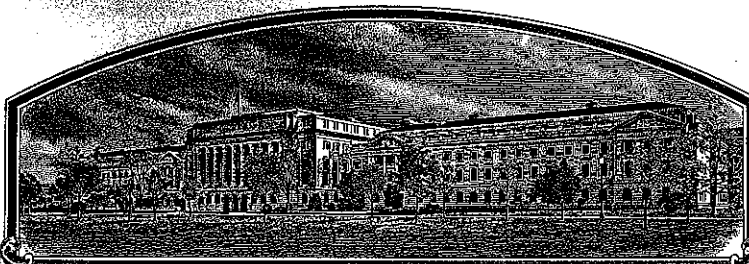


No.

200600202



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pure-Seed Testing, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLACEMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE FOREGOING PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. IN THE UNITED STATES SEED OF THIS VARIETY SHALL BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED AND (2) SHALL CONFORM TO THE NUMBER OF GENERATIONS SPECIFIED BY THE OWNER OF THE RIGHTS. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

FESCUE, TALL

'5BAB'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this second day of October, in the year two thousand and eight.

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Secretary of Agriculture



U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and The Paperwork Reduction Act (PRA) of 1995: **#200600202**

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

1. NAME OF OWNER Pure-Seed Testing, Inc.		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME PST-5BAB		3. VARIETY NAME 5BAB	
4. ADDRESS (Street and No., or RFD No., City, State, and ZIP Code, and Country) PO Box 449 Hubbard, OR 97032		5. TELEPHONE (include area code) 503-263-0719		FOR OFFICIAL USE ONLY PVPO NUMBER 200600202	
6. FAX (include area code) 503-263-0703		7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) Corporation		8. IF INCORPORATED, GIVE STATE OF INCORPORATION Oregon	
9. DATE OF INCORPORATION 3 June 1974		10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) Melodee Fraser, Ph.D. PO Box 176 Rolesville, NC 27571		11. FILING AND EXAMINATION FEES: \$4,382.00 DATE 5/12/2006 CERTIFICATION FEE: \$768.00 DATE 9/9/2008	
12. TELEPHONE (include area code) 919-556-0146		13. FAX (include area code) 919-556-0174		14. E-MAIL crystal@turf-seed.com	
15. CROP KIND (Common Name) Tall fescue		16. FAMILY NAME (Botanical) Gramineae		17. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
18. GENUS & SPECIES NAME OF CROP Festuca arundinacea		19. IS THE VARIETY A FIRST GENERATION HYBRID? No		IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.	
20. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)		21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) As well as Uncertified seed.		22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety		b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness		c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety	
d. <input checked="" type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional)		e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership		f. <input checked="" type="checkbox"/> Exhibit F. Declaration Regarding Deposit	
g. <input checked="" type="checkbox"/> Voucher Sample (3,000 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository)		h. <input checked="" type="checkbox"/> Filing and Examination fee (\$4,382), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)		IF YES, WHICH CLASSES? <input checked="" type="checkbox"/> FOUNDATION <input checked="" type="checkbox"/> REGISTERED <input checked="" type="checkbox"/> CERTIFIED (Ver: 8/13/08)	
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U.S. OR OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, SPECIFY THE NUMBER 1, 2, 3, etc. FOR EACH CLASS. 6 FOUNDATION 6 REGISTERED 7 CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)	
IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)		IF YES, GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)		25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue will be deposited in a public repository and maintained for the duration of the certificate.	
The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.					
Owner(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.					
SIGNATURE OF OWNER <i>Melodee L. Fraser</i>		SIGNATURE OF OWNER <i>Crystal Rose-Fricker</i>			
NAME (Please print or type) Melodee L. Fraser		NAME (Please print or type) Crystal Rose-Fricker			
CAPACITY OR TITLE Director of Research - East		CAPACITY OR TITLE President		DATE 4/24/06	

Exhibit A – Revised 9 August 2006**Origin and Breeding History of 5BAB (PST-5BAB) Tall Fescue**

5BAB (PST-5BAB) tall fescue was developed and released by Pure-Seed Testing, Inc., Hubbard, OR. During the spring of 2000, 39 tall fescue plants with dark blue-green color and medium maturity were selected from spaced-plant nurseries near Hubbard. Twenty-six of these plants were from a population selected for brown patch resistance near Rolesville, NC; nine were from a population selected for good turf performance and disease resistance near Adelphia, NJ; two were from a population selected for heat and drought tolerance near Rolesville; and two were from a population selected for low soil pH tolerance near Griffin, GA. Prior to anthesis these 39 plants were transplanted into an isolated polycross designated 5BAB. The plants interpollinated and seed was subsequently harvested from 31 plants with high floret fertility during the summer of 2000.

Seed from this harvest was used to establish an isolated 3050-plant nursery near Hubbard during the fall of 2000. During the spring of 2001, plants were removed from this nursery to increase uniformity of plant type and maturity. Remaining plants were dark blue-green, medium-maturing, low-growing and free from stem rust symptoms. These remaining plants were allowed to interpollinate and Breeder seed of 5BAB was subsequently harvested from 500 plants during the summer of 2001.

The plants that produced the Breeder seed of 5BAB traced their maternal origins to the following sources: 25% to PST-5EP-7, which traced to a plant collected in Holly Springs, MS; 21% to 'Coronado', 12% to 'Tar Heel'; 7% to 'Endure'; 6% to PST-R534, which was selected for brown patch resistance near Rolesville; 5% to 'Duke'; 4% each to 'Apache', 'Gazelle' and a plant collected at a park in Lexington, KY; 3% each to PST-5MX, 'Silverado' and a plant collected at Central State Hospital, Milledgeville, GA; and 1% each to 'Tomahawk GT', a plant collected near Athens, GA and 'Rebel Jr.'

Seed production of 5BAB is limited to three generations of increase from Breeder seed: one each of Foundation, Registered and Certified. Pure-Seed Testing, Inc. maintains Breeder seed in Oregon and will regenerate Breeder seed as needed. 5BAB has shown stability and uniformity multiplied through the Certified seed generation. No variants have been observed in the production or multiplication of 5BAB tall fescue.

Exhibit B**Statement of Distinctness for 5BAB (PST-5BAB) Tall Fescue**

5BAB (PST-5BAB) is most similar to 'Coronado' and 'Tar Heel' tall fescues. They differ in the following characteristics:

1. 5BAB has a mean panicle length at least 2.6 cm shorter than Coronado and 2.3 cm shorter than Tar Heel (Tables 2, 3).
2. 5BAB has a mean flag leaf height at least 6.2 cm shorter than Tar Heel (Tables 2, 3).
3. 5BAB has a mean tiller leaf length at least 4.3 cm shorter than Tar Heel (Tables 2, 3).

Table 1. Mean initial heading dates for entries in a single-row tall fescue seed yield trial seeded fall of 2001 near Hubbard, OR.

Entry	2002	2003
PST-5LMD	15 May	09 May
Silverado	04 May	03 May
5BAB	29 April	29 April
Tar Heel	30 April	26 April
Bonsai	05 May	24 April
Coronado	30 April	23 April
Kentucky 31	25 April	08 April
LSD (0.05)	5 days	8 days

Table 2. 2003 mean morphological measurements for entries in a tall fescue seed yield trial seeded fall of 2001 near Hubbard, OR.

Entry	Plant Height (cm)	Flag Leaf Height (cm)	Internode Length (cm)	Tiller Leaf Length (cm)	Tiller Leaf Width (mm)	Flag Leaf Length (cm)	Flag Leaf Width (mm)	Panicle Length (cm)	Tiller Count (#/100 cm ²)
Kentucky 31	149.9	92.1	26.8	37.9	5.3	28.5	4.5	35.2	42.6
Coronado	142.9	86.2	29.5	34.1	5.8	24.1	5.7	27.9	76.4
Tar Heel	130.0	87.6	29.3	32.8	5.4	23.4	6.0	27.7	46.5
Silverado	127.6	81.0	29.1	31.8	5.0	21.2	4.5	24.6	54.6
5BAB	125.8	81.4	29.3	28.1	5.3	22.0	6.0	21.9	61.3
LSD (0.05)	6.0	4.4	2.1	2.5	0.7	2.3	0.7	1.9	16.0

Table 3. 2002 mean morphological measurements for entries in a tall fescue seed yield trial seeded fall of 2001 near Hubbard, OR.

Entry	Plant Height (cm)	Flag Leaf Height (cm)	Internode Length (cm)	Tiller Leaf Length (cm)	Tiller Leaf Width (mm)	Flag Leaf Length (cm)	Flag Leaf Width (mm)	Panicle Length (cm)	Tiller Count (#/100 cm ²)
Kentucky 31	150.1	96.7	30.7	29.0	6.7	16.2	4.7	25.9	26.0
Tar Heel	135.7	82.2	29.0	26.0	5.6	20.0	4.9	23.2	41.0
Coronado	129.2	72.4	30.0	22.7	4.8	17.8	5.0	23.5	48.4
Silverado	126.0	67.9	27.8	27.9	6.7	20.2	5.9	21.8	39.9
5BAB	125.0	70.6	25.6	21.7	6.0	14.1	5.0	20.9	31.6
LSD (0.05)	4.5	3.7	1.8	1.8	0.6	1.5	0.6	1.5	10.3

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, AG Box 7630, Jamie L. Whitten Building, Washington, D.C. 20250. When replying, refer to OMB No. 0581-0055 and form number in your letter. Under the PRA of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

The U.S. Department of Agriculture (USDA) prohibits discrimination in its programs on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, and marital or familial status. (Not all prohibited bases apply to all programs). Persons with disabilities who require alternative means for communication of program information (braille, large print, audiotape, etc.) should contact the USDA Office of Communications at (202) 720-2791. To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20250, or call (202) 720-7327 (voice) or (202) 720-1127 (TDD). USDA is an equal opportunity employer.

**U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY PROGRAM
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705**

**EXHIBIT C
(TALL & MEADOW FESCUES)**

**OBJECTIVE DESCRIPTION OF VARIETY
TALL & MEADOW FESCUES
(*Festuca* spp.)**

#200600202

NAME OF APPLICANT(S) Pure-Seed Testing, Inc.	TEMPORARY DESIGNATION PST-5BAB	VARIETY NAME 5BAB
---	--	---------------------------------

ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code) 606 N. Main St. PO Box 449 Rolesville, NC 27574 Hubbard, OR 97032 (EST: 8/13/2008) per applicant's authorization)	FOR OFFICIAL USE ONLY PVPO NUMBER 200600202
---	--

Place the appropriate number that describes the varietal characteristics of this variety in the boxes below. Use leading zeroes when necessary (e.g. 089). Characteristics described, including numerical measurements, should represent those that are typical for the variety. Measured data should be for SPACED PLANTS. Royal Horticultural Society or any recognized color fan may be used to determine plant colors. Characteristics marked with an asterisk * are characteristics which should be recorded.

*** 1. SPECIES: (With comparison varieties, use varieties within the species of the application variety)**

<u>1</u>	1 = <i>F. arundinacea</i> (Tall)	<u>Turf Types</u>				
	1 = Kentucky 31 2 = Rebel	3 = Olympic	4 = Bonanza	5 = Arid	6 = Rebel II	
	7 = Shortstop 8 = Silverado	9 = Rebel Jr.	10 = Mini Mustang	11 = Crewcut	12 = Bonsai	
		<u>Forage Types</u>				
	20 = Kentucky 31	21 = Martin	22 = Forager	23 = Mozark		
	24 = Kenhy	25 = AU Triumph	26 = Fawn	27 = Cajun		
<u> </u>	2 = <i>F. pratensis</i> (Meadow)					
	30 = Admira	31 = Beaumont	32 = Comtessa	33 = Ensign	34 = Trader	

*** 2. CYTOLOGY:**

42 Chromosome Number

3. ADAPTATION: (0 = Not Tested; 1 = Not Adapted; 2 = Adapted)

2 Transition Zone **2** West **2** Northeast Other (Specify): _____

*** 4. MATURITY: (Date First Headed, 10% of Panicle Emergence)**

6 Maturity Class 1 = Very early () 2 = AU Triumph 3 = Early (Fawn) 4 = K31, Kenhy 5 = Medium (Rebel)

4. MATURITY: (continued)

200600202

6 = Bonanza

7 = Late (Silverado)

8 = ()

9 = Very late

Date Headed **29 April 02**

Location **Hubbard, OR (Table 1)**

4 Days earlier than **8**

Maturity same as

Days later than

Comparison Variety

#200600202

* 5. MATURE PLANT HEIGHT CM: (Average of 100 culms * INTERNODE LENGTH CM: (Table 2)

from crown to top of panicle, if panicle is nodding, straighten)

(First internode subtending the flag leaf)

125.8 cm Height

29.3 cm Internode Length

cm Shorter than

Height same as **8**

cm Taller than

Comparison Variety

cm Shorter than

Length same as **8**

cm Longer than

Comparison Variety

* HEIGHT AT EAR EMERGENCE CM: (Flag leaf height from crown to flag leaf collar) (Table 2)

81.4 cm Height

cm Shorter than

Height same as **8**

cm Taller than

Comparison Variety

* 6. GROWTH HABIT: (Mature Plants)

7 1 = Prostrate ()

3 = Semiprostrate ()

5 = Horizontal ()

7 = Semierect (Rebel)

9 = Erect (Mini Mustang)

* 7. RHIZOMES (Psuedo):

0 mm Length

1 1 = Absent ()

2 = Rare (Rebel)

3 = Common ()

* 8. LEAF BLADE: (Tiller leaves/ turf color)

***7** Color: 1 = Light green ()

3 = Medium light green ()

5 = Green ()

7 = Medium dark green ()

9 = Very dark green ()

6 Specify rating of comparison variety **8**

***1** Anthocyanin: 1 = Absent ()

9 = Present ()

***1** Basal Hairs: 1 = Absent ()

9 = Present ()

***9** Margins: 1 = Smooth ()

5 = Semi-rough ()

9 = Rough ()

8. LEAF BLADE: (continued)

200600202

* 6 Width Class: 1 = Very coarse () 3 = Coarse () 5 = Medium ()
7 = Fine () 9 = Very Fine ()

* TILLER LEAF LENGTH CM: (First leaf subtending the flag leaf) (Table 2) * TILLER LEAF WIDTH MM: (Table 2)

<u>28.1</u> cm Tiller Leaf Length	<u>5.3</u> mm Tiller Leaf Width
<u>3.0</u> cm Shorter than <u>8</u>	<u> </u> mm Narrower than <u> </u>
Length same as <u> </u>	Width same as <u>8</u>
<u> </u> cm Taller than <u> </u>	<u> </u> mm wider than <u> </u>
} Comparison Variety	} Comparison Variety

FLAG LEAF LENGTH CM: (Table 2)

FLAG LEAF WIDTH MM: (Table 2)

<u>22.0</u> cm Flag Leaf Length	<u>6.0</u> mm Flag Leaf Width
<u> </u> cm Shorter than <u> </u>	<u> </u> mm Narrower than <u> </u>
Length same as <u>8</u>	Width same as <u> </u>
<u> </u> cm Longer than <u> </u>	<u>1.5</u> mm Wider than <u>8</u>
} Comparison Variety	} Comparison Variety

* 9. LEAF SHEATH: (Basal Portion)

* <u>1</u> Anthocyanin (seedling):	1 = Absent (K31)	9 = Present ()
* <u>1</u> Auricle Hairiness:	1 = Absent ()	9 = Present ()

* 10. PANICLE: (At seed maturity except where noted.)

* <u>1</u> Shape:	1 = Narrow-tapering ()	5 = Ovate ()	7 = Oblong ()	9 = Other (specify)
* <u>5</u> Type:	1 = Compact (appressed)	5 = Intermediate ()	7 = Open ()	9 = Other (specify)
* <u>1</u> Orientation:	1 = Nodding ()	9 = Erect ()		
* <u>2</u> Branch Pubescence:	1 = Glabrous ()	9 = Pubescent ()		
* <u>1</u> Anther Color (At anthesis):	1 = Yellowish Green	2 = Green	3 = Bluish Green	
	4 = Purplish	5 = Reddish	6 = Other (Specify)	
* <u>2</u> Glume Color (At anthesis):	1 = Yellowish Green	2 = Green	3 = Bluish Green	
	4 = Purplish	5 = Reddish	6 = Other (Specify)	

*21.9 cm Panicle Length (from base to tip, if nodding, straighten; after anthesis) (Table 2)

<u>2.7</u> cm Shorter than <u>8</u>	}	Comparison Variety
Length same as <u> </u>		
<u> </u> cm Longer than <u> </u>		

* 11. SEED: (With Lemma & Pelea)

200600202

* **2565** mg per 1000 seeds

_____ mg Less than _____
 Weight same as _____
524 mg More than **8**

} Comparison Variety

PALEA: (Keels or Margins)

9 Hairs: 1 = Absent () 5 = Short (Missouri 96) 9 = Long ()

LEMMA:

1 Hairs: 1 = Absent (Kenhy) 5 = Several () 9 = Many (Missouri 96)

5.9 mm Lemma Length (Mature)

1.5 mm Lemma Width

_____ mm Shorter than _____
 Length same as _____
0.2 mm Longer than **8**

} Comparison Variety

_____ mm Narrower than _____
 Width same as _____
0.4 mm Wider than **8**

} Comparison Variety

*AWNS: **9** AWNS: 1 = Absent () 9 = Present (Falcon) **100%** Plants with awns

0.6 mm Awn length (Of those present.)

0.2 mm Shorter than **8**
 Length same as _____
 _____ mm Longer than _____

} Comparison Variety

12. DISEASE, INSECT, AND NEMATODE REACTION: (0= Not Tested 1= Least Resistant 9= Most Resistant)

0 Melting-out *Drechslera poae*

0 Blind Seed *Gloeotinia temulenta*

0 Leaf Spot *D. siccans*

7 Dollar Spot *Lanzia, Mollerdiscus* spp.

7 Net Blotch *D. dictyoides*

6 Stem Rust *Puccinia graminis*

5.5 Brown Patch *Rhizoctonia solani*

0 T. Blight *Typhula incarnata*

0 C. Leaf Spot *Cercospora fectuae*

6 Pythium Blight *Pythium* spp.

0 Pink Snow Mold *Gerlachia nivalis*

0 Powdery Mildew *Erysiphe graminis*

0 Silver Top *F. tricinctum, F. roseum*

6 Crown Rust *Puccinia coronata*

_____ Other Disease _____

_____ Other Insect _____

_____ Other Nematode _____

13. ENVIRONMENTAL STRESS

6 Drought Stress 1 = Susceptible () 5 = Tolerant () 9 = Resistant ()

6 Shade Stress 1 = Susceptible () 5 = Tolerant () 9 = Resistant ()

6

Winter Stress

1 = Susceptible ()

5 = Tolerant () 9 = Resistant ()

14. GIVE VARIETY OR VARIETIES THAT MOST CLOSELY RESEMBLE THE APPLICATION VARIETY. For the following characteristics, indicate the degree of resemblance with the following scale:

1 = Application variety is less than comparison variety 2 = Same as 3 = More than, better, greater, darker, etc.

Character	Varieties	Rating	Character	Varieties	Rating
Leaf Width	Coronado	2	Leaf Color	Coronado	3
Panicle Color	Coronado		Panicle Shape	Coronado	1
Seed Size	Coronado	3	Cold Injury	Coronado	2
Winter Color	Coronado	3	Heat	Coronado	3
Disease	Coronado	3			

* 15. EXPERIMENTAL: Give a brief summary of the experimental design utilized to collect the data used on this form. Cultural conditions, number of plants measured and plant spacing must be specified.

A seed yield trial was planted near Hubbard, OR during the fall of 2001. Tillers from twenty-five plants in each of two replications were measured during June 2002 and 2003.

Exhibit D**Additional Description of 5BAB (PST-5BAB) Tall Fescue**

1. 5BAB has shown moderate resistance to brown patch (Tables 4, 5) and stem rust (Table 6).

Table 4. 2002 mean brown patch and turf quality ratings for entries in a tall fescue turf trial seeded fall of 2001 near Rolesville, NC.

Entry	Brown Patch				Turf Quality				
	31 Jul	5 Aug	21 Aug	Mean	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	Mean
Tar Heel II	6.7 ¹	6.7	7.0	6.8	5.7 ²	5.7	6.6	6.2	6.0
5BAB	5.0	5.0	5.7	5.2	5.3	6.1	5.5	5.3	5.6
Tar Heel	6.7	7.0	6.0	6.6	5.7	5.5	5.3	3.7	5.0
Coronado	3.0	2.3	1.7	2.3	5.3	4.9	3.2	2.7	4.0
Silverado	3.0	2.3	2.3	2.6	5.3	4.3	2.5	2.2	3.6
Bonsai	3.0	2.3	1.7	2.3	4.7	5.1	2.8	1.0	3.4
Kentucky 31	3.3	4.0	3.3	3.6	3.3	2.5	2.0	2.0	2.5
LSD (0.05)	1.9	1.9	2.0	1.7	1.3	1.3	1.4	1.5	1.1

¹9 = no disease; ²9 = ideal

Table 5. 2002 mean brown patch ratings for entries in national tall fescue turf trials seeded fall of 2001 at six locations in the US.

Entry	AR1	IL2	IN1	OK1	VA1	WI1	Mean
Kentucky 31	8.0 ¹	5.7	8.7	3.0	8.7	8.0	7.0
Tar Heel	7.3	4.3	8.0	3.3	8.0	8.3	6.6
Tar Heel II	7.0	4.3	7.0	2.3	8.3	8.3	6.2
5BAB	5.7	2.3	8.7	3.0	8.3	8.3	6.1
Bonsai	5.7	4.3	7.0	6.0	6.0	6.7	5.9
DP 50-9082	4.3	2.7	6.7	4.7	4.7	7.7	5.1
LSD (0.05)	3.3	3.3	1.5	1.6	2.4	0.9	1.0

¹9 = no disease

Table 6. Mean stem rust ratings for entries in a tall fescue seed yield trial seeded fall of 2001 near Hubbard, OR.

Entry	2002	2003
Kentucky 31	6.0 ¹	6.0
5BAB	5.5	6.5
Matador	7.0	5.5
Silverado	3.0	5.0
Tar Heel	4.0	4.0
Coronado	3.5	4.0
Eldorado	2.0	3.0
LSD (0.05)	2.2	1.8

¹9 = no disease

REPRODUCE LOCALLY. Include form number and date on all reproductions.

FORM APPROVED - OMB NO. 0581-0055

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE**EXHIBIT E**
STATEMENT OF THE BASIS OF OWNERSHIP*The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 652a) and the Paperwork Reduction Act (PRA) of 1995.**Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).*

1. NAME OF APPLICANT(S)

Pure-Seed Testing, Inc.2. TEMPORARY DESIGNATION
OR EXPERIMENTAL NUMBER**PST-5BAB**

3. VARIETY NAME

5BAB

4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)

**PO Box 449
Hubbard, OR 97032**5. TELEPHONE
(include area code)**503-263-0719**

6. FAX (include area code)

503-263-0703

7. PVPO NUMBER

8. Does the applicant own all rights to the variety? Mark an "X" in appropriate block. If no, please explain.

☒ **YES**☐ **NO**

9. Is the applicant (individual or company) a U.S. national or U.S. based company?

If no, give name of country _____

☒ **YES**☐ **NO**

10. Is the applicant the original owner?

☒ **YES**☐ **NO**

If no, please answer the following:

a. If original rights to variety were owned by individual(s), is (are the original owner(s) a U.S. national(s)?

☐ **YES**☐ **NO** If no, give name of country _____

b. If original rights to variety were owned by a company, is the original owner(s) a U.S. based company?

☐ **YES**☐ **NO** If no, give name of country _____

11. Additional explanation on ownership (If needed, use reverse for extra space):

Pure-Seed Testing, Inc. has licensed 5BAB to West Coast Turf.**PLEASE NOTE:**

Plant variety protection can be afforded only to owners (now licensees) who meet one of the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original breeder, both the original breeder and the applicant must meet one of the above criteria.

The original breeder may be the individual or company who directed final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definition.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in its programs on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, and marital or familial status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotope, etc.) should contact the USDA Office of Communications at (202) 720-5881 (voice) or (202) 720-7808 (TDD).

To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20250, or call 1-800-245-6340 (voice) or (202) 720-1127 (TDD). USDA is an equal employment opportunity employer.

STD-470-E (02-97) (Destroy previous editions)

REPRODUCE LOCALLY. Include form number and date on all reproductions.

FORM APPROVED - OMB NO. 0581-0055

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this collection of information is (0581-0055). The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs). Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact the USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

#200600202

EXHIBIT F
DECLARATION REGARDING DEPOSIT

NAME OF OWNER (S) Pure-Seed Testing, Inc.	ADDRESS (Street and No., or RD No., City, State, and ZIP Code and Country) PO Box 449 Hubbard, OR 97032	TEMPORARY OR EXPERIMENTAL DESIGNATION PST-5BAB
		VARIETY NAME 5BAB
NAME OF OWNER REPRESENTATIVE(S) Melodee Fraser, Ph.D. Crystal Rose-Fricker	ADDRESS (Street and No., or RD No., City, State, and ZIP Code and Country) PO Box 176, Rolesville, NC 27571 PO Box 449, Hubbard, OR 97032	FOR OFFICIAL USE ONLY
		RVPO NUMBER 200600202

I do hereby declare that during the life of the certificate a viable sample of propagating material of the subject variety will be deposited, and replenished as needed periodically, in a public repository in the United States in accordance with the regulations established by the Plant Variety Protection Office.

Melodee L. Fraser

Signature

4/20/06

Date